IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 26452 of 2007(Y)

PETITIONER:

M/S.PACK MASTER, 8A-2,TOUCHSTONE MANOR, VANCHIYOOR, TRIVANDRUM-35,REPRESENTED BY ITS MANAGING PARTNER, BIJU PADMANABHAN, AGED 44 YEARS, S/O.RAMACHANDRAN NAIR, RESIDING AT FLAT NO.8 A-2, TOUCHSTONE MANOR, VANCHIYOOR, TRIVANDRUM.

BY ADV. SRI.V.N.ACHUTHA KURUP (SR.)
SRI.C.S.MANU
SRI.S.K.PREMRAJ
SRI.ANOOP JOSEPH
SRI.ANOOP.V.NAIR
SRI.ABHILASH AKBAR
SRI.T.B.SIVAPRASAD

RESPONDENTS:
---

1. TRAVANCORE DEVASWOM BOARD, TRIVANDRUM, REPRESENTED BY ITS SECRETARY.

2. THE SECRETARY, TRAVANCORE DEVASWOM BOARD, TRIVANDRUM.

3. A.KRIPA KUMAR, TC28/1827, SASTHAKRIPA PACK PVT.LTD., PALLIVEEDU FORT, TRIVANDRUM.

4. VENKITESWARA DIARY FARM, PICHATHUR, ANDHRA PRADESH.

5. ELITE INDIA EXPORTS, NOORANAD, KAYAMKULAM.

6. M/S.GOKULAM FOOD PRODUCTS, CHENNAI,
69, ARCOT ROAD, VALSALA VAKKAM, CHENNAI.

R1 BY ADV. SRI U.K. RAMAKRISHNAN, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & A.K. BASHEER, JJ.

W. P. C. No 26452 of 2007

Dated: 7th September 2007

JUDGMENT

Radhakrishnan, J.

This writ petition has been preferred seeking a writ of certiorari to quash Ext. P4 letter issued by the Travancore Devaswom Board and also for a writ of mandamus directing respondents 1 and 2 to accept the tender submitted by the petitioner and award the contract specified in Ext. P1 tender.

2. Writ petition has been preferred by a registered partnership firm which is stated to have been constituted on 4.6.2005. Names of the partners of the firm have been given in Ext. P4 letter. They are the directors of M/s Panchami Pack (Kerala) Private Limited who entered into an agreement with the Travancore Devaswom Board for production and supply of Aravana Prasadam at Sabarimala for the last eight years. It was pointed out that M/s Panchami Pack (Kerala) Private Limited was blacklisted by the Travancore Devaswom Board and therefore it would not be able to submit tender pursuant tender notice dated 18.4.2007. To wriggle

out of that difficulty a partnership firm was constituted by those directors of the company and they have submitted the tender which was rejected as per Ext. P4 wherein it has been specifically stated that M/s Panchami Pack (Kerala) Private Limited has been blacklisted and the directors of that company have constituted the partnership firm. We find no illegality in the stand taken by the Devaswom Board since it was on the basis of the report of the Superintendent of Police (Vigilance) that Panchami Pack was blacklisted.

3. Senior Counsel appearing for the petitioner submitted that the Chairman of the sixth respondent was also one of the directors of the company and he was called for negotiation. We do not think that would advance the case of the petitioner since admittedly partners of the petitioner firm were directors of the company which was blacklisted. In such circumstances, we find no reason to entertain this writ petition. The writ petition lacks merits and the same is dismissed.

Sd/-
K.S. RADHAKRISHNAN
Judge

Sd/-
A.K. BASHEER
Judge

07/09/2007en [true copy]